

MINUTES

MONTANA SENATE 58th LEGISLATURE - REGULAR SESSION

COMMITTEE ON FISH AND GAME

Call to Order: By **CHAIRMAN MIKE SPRAGUE**, on March 13, 2003 at 3 P.M., in Room 422 Capitol.

ROLL CALL

Members Present:

Sen. Mike Sprague, Chairman (R)
Sen. Dan McGee, Vice Chairman (R)
Sen. Keith Bales (R)
Sen. Gregory D. Barkus (R)
Sen. Ken (Kim) Hansen (D)
Sen. Dale Mahlum (R)
Sen. Trudi Schmidt (D)
Sen. Debbie Shea (D)
Sen. Bill Tash (R)
Sen. Joseph (Joe) Tropila (D)

Members Excused: None.

Members Absent: None.

Staff Present: Jane M. Hayden, Committee Secretary
Mary Vandenbosch, Legislative Branch

Please Note. These are summary minutes. Testimony and discussion are paraphrased and condensed.

Committee Business Summary:

Hearing & Date Posted: HB 20, 3/13/2003
Executive Action: HB 32

Sponsor: **REPRESENTATIVE GEORGE GOLIE**

Proponents: **Darrick Godfrey**, Montana Mule Deer Foundation
Jean Johnson, Montana Outfitters & Guides Association
John Willoughby, Rocky Mountain Elk Foundation

Opponents: None.

Informational: **Chris Smith**, Director of the Department of Fish Wildlife, and Parks

Opening Statement by Sponsor:

REPRESENTATIVE GEORGE GOLIE testified that Mule Deer Foundation auctions off mule deer and elk licenses. The Department of Fish, Wildlife, and Parks (FWP) is going to set the rules to do this. Conservation organizations would do this for us, take 10 percent of what they raised, or a handling charge. The funds will go to benefit mule deer and elk over and above what FWP gets now. There is a similar program already in place and that is for moose and big horn sheep and they have been very successful. There are some proponents and opponents here and I will yield to them and reserve the right to close.

Proponents' Testimony:**EXHIBIT (fis53a01)**

Darrick Godfrey, Mule Deer Foundation, testified that the Mule Deer Foundation is a nonprofit conservation organization dedicated to the conservation of mule deer and their habitat. There is a decline in mule deer populations across the western half of the United States because the mule deer are less adaptable than other wildlife and their habitats have experienced depredation. HB 20 would authorize FWP to allow a conservation organization a lottery to auction mule deer and elk tags. The Foundation would keep 10 percent, and 90 percent would go to FWP to support the mule deer and elk. These auctions would give additional money to FWP without raising taxes, and would be similar to the moose and big horn sheep auctions. One thousand acres of habitat have been restored with the money raised from those auctions. Besides the money raised from the auctions, FWP can ask for matching money from the Foundation, too. This will add extra money to the funding of mule deer and elk habitat projects.

Jean Johnson, Montana Outfitters and Guides Association, testified that her Association has long supported the auctions for moose and big horn sheep. We were allowed to sell the moose license at our convention. The Association's ten-percent portion was split half and half between hunter education programs and FWP, and put the other half into our kid fitters camp program so it was money well raised and well spent.

John Willoughby, Rocky Mountain Elk Foundation, testified that at the Foundation's 2003 convention in Reno, Nevada, a moose tag sold for \$19,500 and elk tag raised \$87,500. The money raised from these tags goes to the habitat of the species.

Al Christoffersen, Rocky Mountain Elk Foundation, testified in favor of HB 20 for the same reasons given by the previous proponents. The Foundation has a strong record for putting auction money on the ground (habitat) of the species.

Opponents' Testimony: None given.

Informational Testimony:

EXHIBIT(fis53a02)

Chris Smith, Director of the Department of Fish, Wildlife, and Parks, testified that FWP would be thrilled if this proposed bill generated as much money as other auctions. A fiscal note suggested that an elk tag would bring \$12,000 to \$22,000; and mule deer tag would bring between \$18,000 and \$22,000. It would be administered just like moose and sheep auctions.

Questions from Committee Members and Responses:

SENATOR DALE MAHLUM asked **Chris Smith** why the mule deer tag would generate more money than the elk tag? **Mr. Smith** said that he did not know, but to ask the **REPRESENTATIVE GEORGE GOLIE**. He stated that the estimated tag money raised was based on what California and Oregon raised. **SENATOR MAHLUM** asked **Chris Smith** if there were more elk than mule deer. **Mr. Smith** said no, and stated that HB 20 should raise quite a bit of revenue and that he thought the fiscal note was very conservative.

SENATOR DAN MCGEE asked **REPRESENTATIVE GOLIE** which conservation organizations would be included in the proposed auction and which ones it would exclude. **REPRESENTATIVE GOLIE** replied that the Rocky Mountain Elk Foundation and the Mule Deer Foundation would be included in the lottery for sure, plus several others. Organizations are not fighting over who gets to hold the auctions, the various associations just like HB 20.

SENATOR DAN MCGEE asked **Chris Smith** if it matters which organizations are included. **Mr. Smith** said it was a process of which group would be selected. The procedure would be the same as it is for the moose and big horn sheep auctions. Various organizations write proposals and the selection is made from those.

SENATOR DAN MCGEE asked **REPRESENTATIVE GOLIE** if all conservation groups were allowed to submit proposals, since

SENATOR DAN MCGEE would not support HB 20, if the Montana Wildlife Federation were one of them. **REPRESENTATIVE GEORGE GOLIE** explained that the Federation has never been one of the organizations selected for the auction tags. **SENATOR MCGEE** asked if the Federation could be included, and **REPRESENTATIVE GOLIE** said that was possible.

SENATOR MIKE SPRAGUE asked **Darrick Godfrey** what percentage of bidders are out-of-staters. **Mr. Godfrey** stated that ninety percent of the auctioned tags are sold to out-of-staters, not Montana residents. **Mr. Godfrey** stated that auction tags are usually offered at the national conventions because that is where the maximum amount of money can be raised.

SENATOR KEITH BALES asked **REPRESENTATIVE GOLIE** about the meaning of Line 22 which states that proceeds must be used in addition to any other funds that the Department uses for the management of mule deer. Is the management of mule deer the setting of seasons or what? **REPRESENTATIVE GOLIE** testified that it is his personal opinion that the FWP would use this money for habitat management and preservation.

SENATOR SPRAGUE asked **REPRESENTATIVE GOLIE** why white-tailed deer were not included in HB 20. **REPRESENTATIVE GOLIE** responded that it just never came up in the proposal.

SENATOR TRUDI SCHMIDT asked **Darrick Godfrey** how much did the tags go for at the auctions. **Mr. Godfrey** stated that at the Mule Deer Foundation's National Convention, the Nevada Governor's tag went for \$56,000; one Colorado tag went for \$80,000, and a second Colorado tag brought \$16,000; six Utah tags went for \$46,000 each. The auction amounts depend on the state and the type of tag being auctioned.

SENATOR SPRAGUE asked **Darrick Godfrey** whether the tags had ever been offered in a package with an outfitter or guide included, and could we put a spin on this that would bring more money. **Mr. Godfrey** explained that most of the tags auctioned were done by themselves with no package deals.

SENATOR GREG BARKUS asked **Chris Smith** if FWP has the authority to specify the organizations that can hold the auctions under HB 20. **Mr. Smith** suspected that the FWP Commission would choose the Mule Deer Foundation because they focus on mule deer. **SENATOR BARKUS** asked **Mr. Smith** if there had ever been competition for these permits. **Mr. Smith** stated yes there has and perhaps **Jean Johnson** could address that. **Jean Johnson** explained that the language says that conservation organizations have to go through

a strenuous application process from the Outfitter and Guides Association to raise money.

SENATOR MIKE SPRAGUE asked **Chris Smith** if the conservation of the mule deer was too broad to be appealing to the Montana Wildlife Federation. **Mr. Smith** stated that he understood **SENATOR DAN MCGEE's** point and that a broader foundation could make a case.

SENATOR BILL TASH asked **Darrick Godfrey** if Beckman left his estate for mule deer preservation, was there testimony in regards to this property? **Mr. Godfrey** stated that the money from the Beckman estate bought more habitat for the mule deer.

SENATOR TASH asked **Chris Smith** whether hunting was allowed on the 600 acres of the Beckman Estate. **Mr. Smith** stated that hunting is allowed in the Beckman Wildlife Management Area which is sided by two rivers, and includes bench lands and upper boundaries. **SENATOR TASH** asked **Mr. Smith** if bow hunting was allowed, too. **Mr. Smith** explained that every kind of weapon can be used, as the Beckman Estate is in a remote area.

SENATOR DAN MCGEE asked **REPRESENTATIVE GEORGE GOLIE** if HB 20 could be amended to allow only organizations that were involved in mule deer and elk conservation exclusively, to apply for the auction tags as he will not vote to pass HB 20 if it remained open-ended. **{Tape: 1; Side: B}** **REPRESENTATIVE GOLIE** stated that since 1986 for the big horn sheep, and since 1988 for the moose, both auctions have been very successful. The FWP Commission writes the rules that decide which organizations get the tags. **REPRESENTATIVE GOLIE** urged **SENATOR MCGEE** to look at the makeup of the FWP Commission and think about supporting HB 20.

SENATOR SPRAGUE urged everyone to keep in mind that 90 percent for the auction funds go to the State, and 10 percent goes to the organization that holds the auction. These auctions are not big fundraisers for the organization.

SENATOR KEITH BALES asked **REPRESENTATIVE GOLIE** if it was mostly non-resident hunters that were buying these tags and if we want to commercialize Montana's wildlife. **REPRESENTATIVE GOLIE** responded that he did not think that this was commercializing wildlife, but was funding FWP. He suggested that it was better to raise the money from out-of-staters for habitat or management, and would leave Montana better off.

Closing by Sponsor:

REPRESENTATIVE GEORGE GOLIE stated that this was a simple piece of legislation. HB 20's language is similar to the legislation allowing the auctions for the moose and big horn sheep tags. It will raise money for FWP conservation and habitat and may allow for matching funds, too. We can get different organizations involved with what we are doing in Montana, the FWP Commission decides on the organization and the organization auctions the tags. Confident that these auctions will be as successful as those for the big horn sheep and the moose. Fiscal note states that a conservative amount of \$44,000 will be raised. Since 1986, the auctioned tags for big horn sheep have brought 2,553,000 into the State, and since 1988, the moose tags have brought \$179,000. The money raised will be spent in Montana.

EXECUTIVE ACTION ON HB 32

SENATOR DAN MCGEE asked **Chris Smith** if chasing the lions created any measurable impact on them. **Mr. Smith** explained that mountain lions and bobcats evolved in the presence of wolves, so running from dogs was not much different for the lions. **SENATOR MCGEE** then asked **Mr. Smith** if the expansion of the chasing season would have an unintended consequence to the lion's ability to reproduce. **Mr. Smith** replied that is would not.

SENATOR MIKE SPRAGUE asked **Chris Smith** if the mountain lions could hurt the dogs. **Mr. Smith** stated that the lions could avoid encounters with the dogs.

SENATOR MCGEE asked **Chris Smith** what time of year lions had their litters. **Mr. Smith** explained that mountain lions gave birth year round.

Motion/Vote: **SENATOR JOE TROPILA** moved that HB 32 BE CONCURRED IN. Motion carried unanimously. **SENATOR TROPILA** will carry HB 32 on the floor of the Senate.

{Tape: 1; Side: A; Approx. Time Counter: 11.8 - 16.8 dated 3/13/03}

Hearing on HB 32 ended at 3:22 p.m.

ADJOURNMENT

Adjournment: 5 P.M.

SEN. MIKE SPRAGUE, Chairman

JANE HAYDEN, Secretary

MS/JH

EXHIBIT (fis53aad)